

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CIVIL ACTION NO. _____

WILMINGTON SAVINGS FUND
SOCIETY, FSB, D/B/A CHRISTIANA
TRUST AS OWNER TRUSTEE OF THE
RESIDENTIAL CREDIT
OPPORTUNITIES TRUST V

PLAINTIFF

v.

DOROTHY M. YORK, BARRY LAMB,
PERSONAL REPRESENTATIVE OF
THE ESTATE OF WILLIAM F. YORK,
BANK OF AMERICA, N.A.,
DEPARTMENT OF THE TREASURY-
INTERNAL REVENUE SERVICE,
GOWEN POWER SYSTEMS AND
OSTERMAN PROPANE LLC DBA
DOWNEAST ENERGY

DEFENDANTS

DOROTHY M. YORK’S ANSWER TO COMPLAINT FOR FORECLOSURE

NOW COMES the Defendant, Dorothy M. York (hereinafter referred to as “Ms. York”), by and through her counsel, Drummond & Drummond, LLP, and responds to the Plaintiff’s Complaint for Foreclosure (“Complaint”) as follows:

1. Ms. York admits she resides in the State of Maine. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in ¶ 1 of Plaintiff’s Complaint and therefore denies the same.

2. Ms. York admits the allegations contained in ¶ 2 of Plaintiff’s Complaint.

PARTIES

3. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 3 of Plaintiff's Complaint and therefore denies the same.

4. Ms. York admits the allegations contained in ¶ 4 of Plaintiff's Complaint.

5. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 5 of Plaintiff's Complaint and therefore denies the same.

6. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 6 of Plaintiff's Complaint and therefore denies the same.

7. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 7 of Plaintiff's Complaint and therefore denies the same.

8. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 8 of Plaintiff's Complaint and therefore denies the same.

9. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 9 of Plaintiff's Complaint and therefore denies the same.

FACTS

10. Ms. York admits the allegations contained in ¶ 10 of Plaintiff's Complaint.

11. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 11 of Plaintiff's Complaint and therefore denies the same.

12. The statement contained in ¶ 12 of Plaintiff's Complaint is a legal conclusion and therefore no response is required. To the extent a response is required, Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 12 of Plaintiff's Complaint and therefore denies the same.

13. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 13 of Plaintiff's Complaint and therefore denies the same.

14. Ms. York admits only that she signed the Mortgage attached to the Complaint as Exhibit C. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in ¶ 14 of Plaintiff's Complaint and therefore denies the same.

15. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 15 and therefore denies the same. Ms. York further states that the document referred to in ¶ 15 of Plaintiff's Complaint speaks for itself.

16. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 16 and therefore denies the same. Ms. York further states that the document referred to in ¶ 16 of Plaintiff's Complaint speaks for itself.

17. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 17 and therefore denies the same. Ms. York further states that the document referred to in ¶ 17 of Plaintiff's Complaint speaks for itself.

18. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 18 and therefore denies the same. Ms. York further states that the document referred to in ¶ 18 of Plaintiff's Complaint speaks for itself.

19. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 19 of Plaintiff's Complaint and therefore denies the same.

20. The statements contained in ¶ 20 of Plaintiff's Complaint are legal conclusions and therefore no response is required. To the extent a response is required, Ms. York is without

knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 20 and therefore denies the same.

21. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 21 of Plaintiff's Complaint and therefore denies the same. Ms. York further states that the document referred to in ¶ 21 of Plaintiff's Complaint speaks for itself.

22. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 22 of Plaintiff's Complaint and therefore denies the same. Ms. York further states that the document referred to in ¶ 22 of Plaintiff's Complaint speaks for itself.

23. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 23 of Plaintiff's Complaint and therefore denies the same. Ms. York further states that the document referred to in ¶ 23 of Plaintiff's Complaint speaks for itself.

24. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 24 of Plaintiff's Complaint and therefore denies the same. Ms. York further states that the document referred to in ¶ 24 of Plaintiff's Complaint speaks for itself.

25. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 25 of Plaintiff's Complaint and therefore denies the same.

26. Ms. York admits that a Notice of Default was sent to her and William F. York, who is deceased and was deceased at the time the Notice was sent. Ms. York denies that the

Notice of Default in Exhibit I to Plaintiff's Complaint was provided to Barry Lamb as Personal Representative of the Estate of William F. York.

27. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 27 of Plaintiff's Complaint and therefore denies the same.

28. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 28 of Plaintiff's Complaint and therefore denies the same.

29. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 29 of Plaintiff's Complaint and therefore denies the same.

30. Ms. York admits the allegations contained in ¶ 30 of Plaintiff's Complaint.

COUNT I - FORECLOSURE

31. Ms. York repeats and reaffirms the responses contained in the foregoing paragraphs as if fully set forth herein.

32. Ms. York admits the allegations contained in ¶ 32 of Plaintiff's Complaint.

33. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 33 of Plaintiff's Complaint and therefore denies the same.

34. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 34 of Plaintiff's Complaint and therefore denies the same.

35. Ms. York denies that she breached any condition of the Note as Ms. York was not a signatory to the Note. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in ¶ 35 of Plaintiff's Complaint and therefore denies the same.

36. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 36 of Plaintiff's Complaint and therefore denies the same.

37. Ms. York admits the allegations contained in ¶ 37 of Plaintiff's Complaint.

38. The statement contained in ¶ 38 of Plaintiff's Complaint is not a factual allegation and therefore no response is required. To the extent a response is required, Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 38 of Plaintiff's Complaint and therefore denies the same.

39. Ms. York denies the allegations contained in ¶ 39 of Plaintiff's Complaint.

40. Ms. York admits she is not in the military. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in ¶ 40 of Plaintiff's Complaint and therefore denies the same.

COUNT II – UNJUST ENRICHMENT

41. Ms. York repeats and reaffirms the responses contained in the foregoing paragraphs as if fully set forth herein.

42. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 42 of Plaintiff's Complaint and therefore denies the same.

43. Ms. York denies that she has any obligation to repay loan obligations under the Note. Ms. York is without knowledge or information sufficient to form a belief as to the truth of the remainder of allegations contained in ¶ 43 of Plaintiff's Complaint and therefore denies the same.

44. Ms. York denies the allegations contained in ¶ 44 of Plaintiff's Complaint.

45. Ms. York denies the allegations contained in ¶ 45 of Plaintiff's Complaint.

WHEREFORE, Ms. York respectfully requests that the Plaintiff's Complaint be dismissed with prejudice, and Ms. York be awarded her reasonable costs and attorney fees in defending this matter.

Respectfully submitted,

Dorothy M. York

By her Attorneys,
DRUMMOND & DRUMMOND, LLP

Dated: January 18, 2019

/s/ Horace W. Horton, Esq., Bar No. 0751

hhorton@ddlax.com

/s/ William J. Kennedy, Esq., Bar No. 5368

wkennedy@ddlax.com

Attorneys for Dorothy M. York
DRUMMOND & DRUMMOND, LLP
One Monument Way
Portland, Maine 04101
(207) 774-0317